

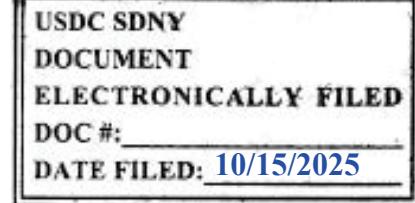
## HANSKI PARTNERS LLC

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October 11, 2024

Via ECF

The Honorable Jennifer H. Rearden  
 United States District Judge  
 United States Courthouse  
 500 Pearl Street  
 New York, New York 10007-1312



*Re: Motion to Extend the Parties' Time to File Joint Pretrial Order  
 Elizabeth Valdez v. 40 X Owner LLC and De Janeiro Stores, Inc.  
 Case No. 1:23-CV-02534(JHR)(SDA)*

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Dear Judge Rearden:

We represent Plaintiff Elizabeth Valdez in the above-referenced action. Pursuant to Your Honor's Order dated September 17, 2024 (ECF No. 55), pretrial submissions are due on Tuesday, October 15, 2024. We write to respectfully request an extension of the pretrial filing deadline to November 6, 2024, two weeks after the scheduled settlement conference before Magistrate Judge Aaron. We make such request because defendants, 40 X Owner LLC and De Janeiro Stores, Inc. (together, "Defendants"), withheld their revisions and comments to the pretrial filings Plaintiff transmitted to them nearly two months ago,<sup>1</sup> until after business hours on Thursday, October 10, 2024, one business day prior to the filing deadline.<sup>2</sup> As such, Plaintiff requires an extension of time so she has adequate time to review Defendants' comments, and to meet and confer with Defendants to resolve any differences pertaining to the joint filings.

By way of background, the parties' pretrial filings were previously due on September 13, 2024. To ensure the parties would meet the deadline, Plaintiff scheduled and met and conferred with Defendants on August 8, 2024 to discuss timing. Thereafter, Plaintiff provided Defendants drafts of the proposed JPTO, jury instructions, verdict form and voir dire, on a rolling basis, from August 15 to August 23, 2024. On September 10, 2024 Defendants finally informed Plaintiff that they "hoped" to provide their comments to her by September 12, 2024,<sup>3</sup> one business day before the initial deadline. (Emphasis added). Consequently, on September 11, 2024 Plaintiff sought an extension of time, until October 15, 2024 to file the pretrial filings, which the Court granted (ECF Nos 54 and 55).

Despite Defendants' representation that they would provide Plaintiff with their comments on September 12, 2024, they did not. Consequently, on September 19 and October 1, 2024

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<sup>1</sup> Plaintiff provided Defendants drafts of the proposed JPTO, jury instructions, verdict form and voir dire, on a rolling basis, from August 15 to August 23, 2024.

<sup>2</sup> Monday, October 14, 2024 is a Court holiday, Columbus Day.

<sup>3</sup> "We are working through [the pretrial documents]. I hope you'll have everything by Thursday [September 12<sup>th</sup>]. If we need more time we can always ask for a few more days." Email from Attorney Nolan Klein, counsel to defendant De Janeiro Stores, Inc., dated September 10, 2024, 5:35 PM.

Plaintiff followed up with Defendants as to the status of the documents. However, in spite of Plaintiff's diligence, and her punctual transmission to Defendants of the draft pretrial documents, Defendants refused to respond to Plaintiff's enquiries and withheld their comments to the draft pretrial documents. Only yesterday, October 10, 2024, after the close of business, did Defendants finally provide comments to the draft pretrial filings Plaintiff provided to them in August 2024. It is now apparent that Defendants engage in bad faith gamesmanship.<sup>4</sup> As was the case with the prior pretrial deadline, Defendants withheld their comments to the pretrial documents (or in the prior instance, promised to provide them, but did not) until one business day before the filing deadline.

Plaintiff has begun her review of Defendants' comments and revisions to the draft documents. However, given Defendants' extensive changes, more than one business day is required for Plaintiff to analyze and respond to the changes<sup>5</sup>.

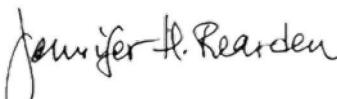
To provide Plaintiff with time to review Defendants' comments and, so that the parties can meet and confer to resolve disputes with the required filings, Plaintiff respectfully asks the Court to extend the deadline to November 6, 2024. An extension of time until November 6, 2024 will also enable the parties to conserve costs should the parties be able to resolve their differences at the October 23, 2024 settlement conference before Magistrate Judge Aaron. In addition to the extension, should the case not settle, Plaintiff also respectfully asks the Court to Order the Defendants to promptly respond to Plaintiff's transmission of comments.

Thank you for your time and attention to this matter. With kindest regards, I am  
very truly yours,

/s/  
Robert G. Hanski, Esq.

Application GRANTED. The deadline to submit the required joint pretrial filings is extended to **November 6, 2024**. The Clerk of Court is directed to terminate ECF No. 57.

SO ORDERED.



Jennifer H. Rearden, U.S.D.J.  
Dated: October 15, 2024

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<sup>4</sup> Further example of Defendants gamesmanship is their failure to provide Plaintiff with a redlined copy that shows the changes made to the draft documents, standard practice when exchanging comments to legal documents.

<sup>5</sup> Additionally, the undersigned is unable to work on the documents over the weekend due to Yom Kippur and family obligations over the extended holiday weekend.